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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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16 **HINDU AMERICAN FOUNDATION, INC.,  
17 a Florida Not-For-Profit Corporation;  
18 SAMIR KALRA; MIHIR MEGHANI;  
19 SANGEETHA SHANKAR; DILIP AMIN,  
SUNDAR IYER, RAMANA KOMPELLA,  
SHAISHAV DESAI, and SRIVATS IYER,  
as individuals;**

2:22-CV-01656-DAD-JDP

**DECLARATION OF CARLY J.  
MUNSON IN SUPPORT OF  
DEFENDANT'S MOTION TO DISMISS  
SECOND AMENDED COMPLAINT AND  
CORRESPONDING REQUEST FOR  
JUDICIAL NOTICE**

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Plaintiffs,

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v.

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**KEVIN KISH, an individual, in his official  
capacity as Director of the California Civil  
Rights Department; and DOES 1-50,  
inclusive,**

Date: December 3, 2024  
Time: 1:30 p.m.  
Judge: Hon. Dale A. Drozd

Action Filed: September 20, 2022  
Second Am. Compl Filed: August 27, 2024

Defendants.

1 I, Carly J. Munson, declare as follows:

2       1. I am an attorney admitted to practice before the courts of the State of California and  
3 before this Court. I am a Deputy Attorney General with the Office of the Attorney General,  
4 which represents Defendant Kevin Kish in his official capacity as the Director of the California  
5 Civil Rights Department (the “Department”) in the above-captioned matter.

6       2. I make this declaration in support of Director Kish’s Motion to Dismiss Second  
7 Amended Complaint Pursuant to *Younger* Abstention Doctrine, Rule 12(b)(1), and Rule 12(b)(6)  
8 and his corresponding Request for Judicial Notice in Support of Motion to Dismiss Second  
9 Amended Complaint. If called as a witness, I would and could competently testify to the facts  
10 stated herein, all of which are within my personal knowledge.

11       3. Plaintiffs filed their First Amended Complaint in the above-captioned matter on or  
12 around September 21, 2023. (ECF No. 21).

13       4. This case relates to an ongoing matter pending before the California Superior Court  
14 for the County of Santa Clara, *CRD v. Cisco Systems, Inc.*, Case No. 20-cv-372366. (*See, e.g.*,  
15 ECF No. 21 ¶ 58). Plaintiffs attached a copy of the Department’s original complaint in that  
16 matter, which was filed in October 2020, to their First Amended Complaint as Exhibit A. (ECF  
17 No. 21 at 37-56).

18       5. On December 12, 2023, I spoke with Tim Travelstead, counsel of record for the  
19 Hindu American Foundation (HAF) in the above-captioned matter by videoconference and  
20 informed him that my client planned to file a motion to dismiss under the *Younger* abstention  
21 doctrine and Rule 12(b). We discussed the bases for Director Kish’s motion and developments in  
22 the related state court matter for approximately 45 minutes.

23       6. Due to ongoing developments in the related state court matter that had the potential to  
24 materially affect Director Kish’s response to, and this Court’s consideration of, Plaintiffs’ First  
25 Amended Complaint (ECF No. 21) and Motion to Proceed Under Pseudonyms (ECF No. 24),  
26 thereafter the parties jointly sought several extensions of time for Director Kish to respond to  
27 Plaintiffs’ filings. (*See* ECF Nos. 29, 31, 33).

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1       7. On January 30, 2024, I spoke with Mr. Travelstead again by phone regarding Director  
2 Kish's anticipated motion to dismiss.

3       8. On May 1, 7, 9, 13, and 15, 2024, I communicated with Mr. Travelstead by email  
4 regarding Director Kish's anticipated motion to dismiss.

5       9. On May 16 and 17, 2024, my colleague, Deputy Attorney General Jennifer A.  
6 Soliman, and I met and conferred with Mr. Travelstead again by videoconference for a total of  
7 approximately two hours regarding the substance of Director Kish's motion to dismiss.  
8 Specifically, we discussed our respective positions with regard to the *Younger* abstention  
9 doctrine, Plaintiffs' standing to bring the instant lawsuit under Rule 12(b)(1), the mootness of  
10 Plaintiffs Iyer's and Kompella's claims under Rule 12(b)(1), and the viability of Plaintiffs' five  
11 claims under Rule 12(b)(6). At the conclusion of our discussions, we agreed that we could not  
12 resolve our differences regarding the legal grounds asserted without the Court's assistance.

13       10. On May 20, 2024, I filed Director Kish's Motion to Dismiss the First Amended  
14 Complaint. (ECF No. 41).

15       11. On August 13, 2024, the Court denied Director Kish's Motion to Dismiss the First  
16 Amended Complaint as moot after denying Plaintiffs' Motion to Proceed Under Pseudonyms.  
17 (ECF No. 49). The Court ordered Plaintiffs to amend their complaint within 14 days and stated  
18 that Director Kish could renew his motion to dismiss thereafter. (*Id.*)

19       12. Plaintiffs filed their Second Amended Complaint in the above-captioned matter on or  
20 around August 27, 2024. (ECF No. 50). Plaintiffs' Second Amended Complaint also includes a  
21 copy of the Department's original complaint in *CRD v. Cisco*, which was filed in October 2020.  
22 (ECF No. 51).

23       13. On August 28 and September 3 and 5, 2024, I communicated with Mr. Travelstead by  
24 email regarding Director Kish's anticipated motion to dismiss. On September 5, 2024, Ms.  
25 Soliman and I met and conferred with Mr. Travelstead again by videoconference regarding the  
26 substance of the motion now presented to the Court. We agreed that our clients' respective  
27 positions regarding the *Younger* abstention doctrine, Plaintiffs' standing to bring the instant  
28 lawsuit under Rule 12(b)(1), the mootness of Plaintiffs Iyer's and Kompella's claims under Rule

1 12(b)(1), and the viability of Plaintiffs' five claims under Rule 12(b)(6) had not changed since  
2 Director Kish had filed his Motion to Dismiss the First Amended Complaint. At the conclusion  
3 of our discussions, we agreed that we could not resolve our differences regarding the legal  
4 grounds asserted in the instant motion to dismiss without the Court's assistance.

5 14. The Department has amended its complaint in *CRD v. Cisco Systems, Inc.* twice since  
6 October 2020. The operative complaint in *CRD v. Cisco Systems, Inc.* is now the Second  
7 Amended Complaint. The only remaining defendant, Cisco, filed its answer to the Second  
8 Amended Complaint on April 26, 2024. A true and correct copy of the Department's Motion for  
9 Leave to Amend First Amended Complaint and File Second Amended Complaint, which was  
10 filed on December 11, 2023, is attached hereto as **Exhibit A**. A true and correct copy of the  
11 Superior Court's order granting the Department's motion, which was issued on March 15, 2024,  
12 is attached hereto as **Exhibit B**. A true and correct copy of the Department's operative Second  
13 Amended Complaint, which was filed on March 18, 2024, is attached hereto as **Exhibit C**.

14 15. Plaintiff HAF moved to intervene in the Department's pending lawsuit against Cisco  
15 in Santa Clara County Superior Court. This Court has previously taken judicial notice of HAF's  
16 Motion to Intervene and [Proposed] Complaint in Intervention, which were filed on or around  
17 January 7, 2021. (See ECF Nos. 10-1, Exh. B & 20). Thereafter, Plaintiffs Iyer and Kompella  
18 sought to join HAF in intervening in *CRD v. Cisco*. A true and correct copy of HAF's Reply in  
19 Support of HAF's Motion for Leave to Intervene, which was filed on November 6, 2023, is  
20 attached hereto as **Exhibit D**.

21 16. The Santa Clara County Superior Court denied HAF's Motion for Leave to Intervene.  
22 A true and correct copy of the Superior Court's order denying HAF's motion, which was issued  
23 on January 31, 2024, is attached hereto as **Exhibit E**.

24 17. HAF filed a notice that it would appeal the Superior Court's order denying it leave to  
25 intervene. A true and correct copy of HAF's Notice of Appeal, which was filed on March 29,  
26 2024, is attached hereto as **Exhibit F**. Thereafter, HAF abandoned its appeal. A true and correct  
27 copy of HAF's Abandonment of Appeal, which was filed on May 1, 2024, is attached hereto as  
28 **Exhibit G**.

1       18. In its October 2020 complaint against Cisco, the Department brought claims against  
2 two of Cisco’s supervisors, Sundar Iyer and Ramana Kompella, under the FEHA. (See ECF No.  
3 51). The Department has since dismissed its claims against Mr. Iyer and Mr. Kompella with  
4 prejudice. A true and correct copy of the Department’s Request for Dismissal of Mr. Iyer and  
5 Mr. Kompella, which was filed on April 6, 2023, is attached hereto as **Exhibit H**. A true and  
6 correct copy of the corresponding Notice of Entry of Dismissal and Proof of Service, which was  
7 filed on April 11, 2023, is attached hereto as **Exhibit I**.

8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct, and this declaration was executed at Sacramento, California this  
10 10th day of September, 2024.

/s/ Carly J. Munson  
CARLY J. MUNSON